



COMMONWEALTH OF MASSACHUSETTS
**Board of Registration
of
Hazardous Waste Site Cleanup Professionals**

**MINUTES
of
BOARD MEETING**

Held on
September 12, 2007

Meeting Location: Roche Family Community Center
1716 Centre Street
West Roxbury, Mass.

Prepared by: A. Fierce

[Approved: Oct. 31, 2007]

1. **Call to Order:** Chairperson Janine Commerford called the meeting to order at 4:52 p.m. The other Board members present were Gail Batchelder, Deborah Farnsworth, Kirk Franklin, Christophe Henry, Gretchen Latowsky, Paul Mullen, Robert Luhrs, Debbie Phillips, and Debra Stake. Board member Kelley Race was absent. The LSP Board staff members present were Allan Fierce, Terry Wood, Lynn Read, Brian Quinlan, and Al Wyman. Also present were Wes Stimpson, the Executive Director of the LSP Association, and Lisa Alexander, Maria Pinaud, and Thomas Potter from MassDEP.
2. **Announcements:** There were no announcements.
3. **Agenda:** The Board members agreed to follow the Agenda as drafted.
4. **Minutes:** The Board reviewed the draft minutes of the meeting of the Board held on July 30, 2007. Typos on pages 5 and 6 were corrected. **A motion was made and seconded to approve the minutes as corrected. The motion was approved unanimously.**
5. **Report from Quasi-Judicial Sessions – Final Disciplinary Actions Taken:** Ms. Commerford stated that she would provide a report at the next meeting.
6. **Decisions Regarding License Applicants:** The staff presented the following Application Dockets:

Docket No. 1: The applicants' names, company names, application numbers, and Application Review Panel recommendations were read into the record:

			<u>ARP</u>	<u>REC.</u>
Christopher P. Parent	Env't'l Compliance Services	#7680	204	A
Arnold Ostrofsky	Tetra Tech NUS	#1022	204	A
Peter J. DeChaves	McPhail Associates	#6493	204	A

Ms. Commerford, Mr. Henry, and Mr. Mullen were recused and left the room.

A motion was made and seconded that the Board accept the recommendations from Application Review Panel #204, i.e., that the applications submitted by Mr. Parent, Mr. Ostrofsky, and Mr. DeChaves be accepted and that they be found eligible to take an exam. The motion was approved unanimously.

Ms. Commerford, Mr. Henry, and Mr. Mullen returned and rejoined the meeting.

Docket No. 2: The applicant's name, company name, application number, and Application Review Panel recommendation were read into the record:

			<u>ARP</u>	<u>REC.</u>
Steve M. Zegan	Env't'l Resolutions, Inc.	#8567	205	A

No Board members were recused.

A motion was made and seconded that the Board accept the recommendation from Application Review Panel #205, i.e., that the application submitted by Mr. Zegan be accepted and that he be found eligible to take an exam. The motion was approved unanimously.

7. **License Renewal Applications:** The staff presented the following License Renewal Dockets:

Renewal Docket #1

Renewal Date: July 30, 2007
Has met all requirements for renewal.
New Renewal Date: July 30, 2010

1. Wade, Marilyn #4513

Renewal Docket #2

Renewal Date: July 30, 2007
Qualifies for and is requesting a 90-day extension.

1. DeBenedictis, Richard R. #8787

A motion was made and seconded to renew the license of the LSP on Renewal Docket #1 and to grant a 90-day extension to the LSP on Docket #2. The motion was approved unanimously.

8. Other Licensing-Related Matters:

- A. New Panel Assignments and Scheduling.** Mr. Quinlan sought and obtained volunteers for Application Review Panel #206 (Ms. Commerford, Mr. Luhrs, and Mr. Mullen).
- B. Appeals Status Report.** Ms. Wood reported that there are no pending appeals regarding the Board's denial of a license application.
- C. Inactive Status Report.** The staff reported that no LSPs have been placed on Inactive Status since the previous meeting. Also, none of the seven LSPs on Inactive Status have resumed Active status since the previous meeting.
- D. License Expired.** Mr. Fierce reported that the following LSP's license expired (lapsed) at the close of business on 7/29/07 when she failed to renew it after receiving a 90-day extension:
- Linda Falk (#8624)
- E. Total Number of Active LSPs.** Mr. Fierce reported that the total number of Active LSPs as of the date of this meeting was 559.

9. Examinations:

- A. New Licensees.** Mr. Fierce reported that the following approved applicants passed the licensing exam administered on September 10, 2007, and will become LSPs on September 13, the date their license letters will be mailed to them:

<u>Name</u>	<u>Licensure Date</u>	<u>Lic. No.</u>
Marylou Armstrong	9/13/07	#9536
Patricia Haederle	9/13/07	#2608
Michael Kulbersh	9/13/07	#1203
Kathleen Murphy	9/13/07	#8744

- B. Next LSP Exam.** Mr. Fierce reported that the next licensing exam has yet to be scheduled.
- C. LSP Exam Update Project.** Mr. Fierce and Ms. Commerford reported that the Cut-Score Workshop took place on August 6 and 7. The purpose of the workshop was to establish the passing scores for the Board's revised, updated licensing exams. The Workshop was led by Dr. Kevin Sweeney, the psychometrician the Board has retained to assist it in this process. The Workshop took place at

Weston & Sampson Engineers, Inc., in Peabody. Mr. Fierce said that there were 13 “raters” in attendance, including some from each of the following categories: LSP Board members, “experienced” LSPs, “new” LSPs, and staff from MassDEP. The Board members participating were Janine Commerford, Christophe Henry, Robert Luhrs, and Kelley Race. Dr. Sweeney has now finished processing the data from the workshop, and the next step is to finalize the updated versions and begin administering them as soon as possible.

10. Continuing Education Committee Report:

A. Course and Conference Approval Requests. Mr. Henry reported that the Committee had met earlier in the day and had the following course and conference recommendations to present to the full Board:

Sponsor: Northeast Regional Environmental Public Health Center
Conference Title: 23rd Annual International Conference on Soils, Sediments and Water (a k a “UMass Soils Conference”) and 16 associated workshops
Credits Requested: Conference (1:2) credits, plus for the 16 workshops the (1:1) Technical, Regulatory and DEP Course credits applicable.
Committee Recommendation: **Approve the UMass Soils Conference for conference credit (1 for 2); also approve each of the 16 workshops for (1 for 1) Technical, Regulatory, or DEP Course credits as applicable.**

Sponsor: Northeast Waste Management Officials’ Association (NEWMOA)
Course Title: Characterizing Chlorinated Solvent Sites
Credits Requested: At least 5.0 Technical credits
Committee Recommendation: **Approve for 5.5 Technical credits.**

Sponsor: U.S. EPA and National Ground Water Association (NGWA)
Conference Title: Fractured Rock Conference: State of the Science and Measuring Success in Remediation
Credits Requested: Conference credit (1:2)
Committee Recommendation: **Approve for conference credit (1:2)**

A motion was made and seconded to accept the Committee’s recommendations. The motion was approved unanimously.

B. Other Business.

1. Course #1341. Mr. Wyman, the Continuing Education Coordinator, announced that the presenters for course #1341, “Introduction to Wetland Identification,” had submitted details for the modification of 2 hours of the course to include MCP-related wetlands material, as previously required by the Board’s conditional approval at the July Board meeting. Mr. Wyman said that he found this

modification to be sufficient and that he has sent the approval letter and associated course certification form to the provider.

2. Reminder to LSPs Not to Repeat Workshops for Credit. The Committee reported that at its meeting earlier in the day, during a discussion of the UMass Soils Conference workshops (some of which were offered at previous conferences), Mr. Stimpson agreed to have the LSP Association send a broadcast e-mail to the members of the Association reminding them that the Board's regulations at 309 CMR 3.09(2)(c) prohibit an LSP from repeating a Board-approved course or conference workshop **for credit** during the same three-year license renewal period or during the following three-year license renewal period. Thus, LSPs at the Conference this year who attend workshops they have taken previously in their current or prior license renewal period need to be vigilant not to seek or allow UMass to award them 1-for-1 credit for these workshops.
11. **Professional Conduct Committee:** Since all the Board members present at this meeting were also present at the Professional Conduct Committee meeting held earlier in the day, the Board agreed to forego a Committee report.
12. **Personnel, Budget, and Fees:**
 - A. **Personnel Report.** Mr. Fierce reported that a new Program Coordinator is very close to being hired. This should happen in the next few days.

Mr. Fierce also reported two additional staff developments. Ms. Wood will be returning to full-time status on October 1, 2007, working a 4-day week with Tuesdays off. Also, Jan Reitsma, who has been assisting the Board on a part-time basis, has concluded his work for the Board and, on September 4, began working in his new federal government position as the Executive Director of the John H. Chafee Blackstone River Valley National Heritage Corridor and the Roger Williams National Memorial in Providence, Rhode Island.
 - B. **Budget.** Mr. Fierce reported that state agencies are just beginning their assessment of budget needs for the FY-09 budget year, prior to submitting their budget requests to the Governor's office.
 - C. **Fees.** Mr. Fierce said he had no new information to report about fees.
13. **Status of Board Member Replacements by Governor:** Ms. Commerford reported that the Governor has yet to act on the recommendations memo that was received last January at the Governor's appointments office. She has yet to speak with MassDEP's new Commissioner, Laurie Burt, but when she does she will ask Ms. Burt to encourage the Governor to promptly appoint the individuals recommended.

14. **Next Article for LSPA News:** The Board offered a number of suggestions, including that the staff write about the informal guidance letter approved earlier in the day at the Professional Conduct Committee meeting in response to Advisory Ruling Request # 07-01.
15. **Scheduling of Next Meeting:** The Board agreed to hold its next meeting on the morning of Wednesday, October 31, 2007, at MassDEP's Northeast Regional Office. The Board also agreed to hold its following meeting in the afternoon of Thursday, November 29, 2007, at a location to be determined.
16. **Adjournment:** The meeting was adjourned at approximately 5:10 p.m.